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## **Plan to ease prison crowding unveiled More beds, transfers in \$7.4 billion proposal**

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Scrambling to avoid a court-ordered release of inmates, legislative leaders yesterday unveiled a \$7.4 billion plan to ease severe prison overcrowding with 53,000 new beds and the transfer of up to 8,000 inmates to out-of-state prisons.

The bipartisan agreement contains increased rehabilitation programs, such as education and drug abuse treatment, and greater oversight of prison management troubled by its depleted ranks and questions about competence.

But the proposal, negotiated over several months and scheduled for a vote in the Legislature today, contains no provisions to ease overcrowding through parole or sentencing changes, which are politically controversial.

And a prison guard union that obtained a court order blocking earlier inmate transfers to other states opposes the plan in general, including provisions aimed at lifting the court order.

"We are on the verge of making history again in California," Gov. Arnold Schwarzenegger said in a statement. "For decades, the prison overcrowding crisis was ignored in Sacramento. Rooms were double bunked, then triple bunked, and our recidivism rate soared."

The Republican governor is "particularly proud" of the proposal for 6,000 beds in innovative re-entry facilities, up to 500 beds each, placed in local communities to house and rehabilitate soon-to-be released inmates and some parole violators.

Overhauling the prison system would be the first step in Schwarzenegger's ambitious agenda this year, which includes health coverage for all Californians, more water storage and political reforms on redistricting and campaign contributions.

The troubled correctional system, with 173,000 inmates packed into prisons designed for 100,000, has been hit with inmate lawsuits resulting in a court takeover of health care and the appointment of several "special master" monitors.

The lawmakers want to have a plan to ease overcrowding in place before three federal judges hold hearings in June that some fear could trigger the early release of inmates.

Assembly Republican leader Mike Villines of Clovis predicted that the plan, contained in Assembly Bill 900, will be approved by the Legislature. He called it a "responsible fix" that should satisfy the courts.

"We are going to build beds and do a better job of rehabilitation and management," Villines said. "We are not going to do early releases and sentence reform."

The two Democratic legislative leaders, Senate President Pro Tempore Don Perata of Oakland and Assembly Speaker Fabian Núñez of Los Angeles, said in a letter to Schwarzenegger that the Legislature does not want a court takeover of the \$10 billion prison system.

"But we will not blindly give a blank check and throw good money after bad," they said. "That's happened before in a billion dollars wasted on drug treatment, 70 percent recidivism and a court takeover of medical care."

About 70 percent of inmates released from California prisons return to prison in three years -- the highest recidivism rate in the nation.

No large new state prisons would be built under the plan negotiated by the legislative leaders. Instead, the first \$3.6 billion phase would add 12,000 "infill" beds in existing prisons, 6,000 medical beds, 6,000 local re-entry beds, and 8,000 local jail beds.

Beds in the second phase would be built only if a series of benchmarks are met. Among them are increased rehabilitation programs, monitored by a new oversight board, and filling a wide range of staff vacancies.

One immediate goal of the plan is to replace 17,000 beds located in prison gyms, day rooms and classrooms. The lack of space prevents rehabilitation programs in some prisons.

Schwarzenegger issued an emergency order in December allowing up to 5,000 inmates to be transferred to prisons in other states under contracts. The transfers are said to be the quickest way to ease overcrowding.

But only 358 inmates were shipped to prisons in Arizona and Tennessee before a court blocked the transfers. The legislation unveiled yesterday will address the court's concern about misuse of the governor's emergency power.

A spokesman said that the prison guard union will continue to press its suit to block the transfers, and that all the inmates who would transfer voluntarily have already been moved.

"Many of these inmates we are going to have to fight them out of their cells," said Lance Corcoran, spokesman for the California Correctional Peace Officers Association, whose members have been working without a labor contract since July.

"That is extremely dangerous for our staff," Corcoran said. "The inmates also know that if they 'act out,' they don't fit the criteria" for transfer of inmates without disciplinary problems.

He said overcrowding could be eased with some unused beds in the system, including 1,500 at Stockton, and the use of temporary buildings like those used by some Arizona prisons and Indian casinos.

The plan negotiated by the legislative leaders would be financed with \$6.1 billion in state revenue bonds, which do not require voter approval, \$350 million from the state general fund, and \$1.2 billion from local government.

"California voters have consistently rejected more prison construction, and we think they would have again -- if only they had been allowed to vote on the \$7.3 billion prison package," said Vanessa Huang of Justice Now, which advocates for better conditions for female inmates.

Placing innovative re-entry facilities in communities around the state is an attempt to help inmates preparing for release find work and adjust to life outside prison.

Although placing a re-entry facility could meet with local resistance, a county might increase its chances of getting state funds for jails and other programs if it helps find a location for re-entry facilities.

Perata and Núñez said in their letter that the corrections department plans to give local governments authority to select who will be housed in the re-entry facilities.

"While this may help in selling these projects to local communities, it seems to abrogate decisions about the level of custody and programming," said the Democratic leaders.

## **OVERVIEW**

Background:

California has a severely overcrowded prison system, with poor health care and a high suicide rate among inmates. The state faces a June deadline to submit a reform plan to a federal judge.

What's changing:

Lawmakers have agreed on a \$7.4 billion proposal to provide more jail and prison space, improve rehabilitation programs and ship prisoners out of state.

The future:

The plan could avert a federal takeover of the prison system and the possible early release of inmates by federal judges.